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| U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE   |  | DATE: <b>18</b> April 2005 (18.04.2005)                   |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED<br>OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371  |  | U.S. APPN. NO. (if known)<br>107531720<br>NU. at Assigned |
| INTERNATIONAL APPLICATION NO.:<br>PCT/EP2004/050272  | INTERNATIONAL FILING DATE:<br>08 March 2004 (08.03.2004) | PRIORITY DATE CLAIMED:<br>10 March 2003 (10.03.2003) EP   |
| <b>TITLE OF INVENTION: NOVEL PROCESS FOR THE PREPARATION OF ROFLUMILAST</b>  |  |   |
| <b>APPLICANT(S) FOR DO/EO/US:</b> Bernhard KOHL, Bernd MUELLER, Walter PALOSCH   |  |   |
| <p>Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).<br/> b. <input type="checkbox"/> has been communicated by the International Bureau.<br/> c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).<br/> b. <input type="checkbox"/> have been communicated by the International Bureau.<br/> c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<br/> d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) as provided in the PCT Request.</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <input checked="" type="checkbox"/> Other items or information:</p> <p>APPLICATION DATA SHEET; TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 2004/080967 A1 WITH INTERNATIONAL SEARCH REPORT AND INTERNATIONAL PUBLICATION DATE OF 23 SEPTEMBER 2004 WHICH CONSISTS OF 14 PAGES INCLUDING 1 COVER SHEET CONTAINING THE ABSTRACT; 10 PAGES TEXTUAL SPECIFICATION, 3 PAGE S OF 21 CLAIMS, 0 SHEETS DRAWINGS; PRELIMINARY AMEMDNMENT WITH APPENDICES A &amp; B TO BE EXAMINED; PCT REQUEST WITH EXECUTED INVENTORS' SIGNATURES; PCT/IPEA/409 INTERNATIONAL PRELIMINARY EXAMINATION REPORT.</p> |  |   |

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| U.S. APPLICATION NO.<br>(if known) not yet assigned<br><b>10/531720</b>   | INTERNATIONAL APPLICATION NO.<br>PCT/EP2004/050272 | DATE: <b>18</b> April 2005 (18.04.2005) |                     |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:   |  | <u>CALCULATIONS</u>                     | <u>PTO USE ONLY</u> |
| <b>Basic National Fee (37 CFR 1.492(a)(1)-(5):</b><br>National Stage Search Fee and National Stage Examination Fee:.....\$1,000.00  |  | \$ 1,000.00                             |                     |
| ENTER APPROPRIATE BASIC FEE AMOUNT =  |  | \$1,000.00                              |                     |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u><br><u>30</u> months from the earliest claimed priority date (37 CFR 1.492(e)).                      |  | \$                                      |                     |
| CLAIMS  | NO. FILED  | NO. EXTRA                               | RATE                |
| <b>TOTAL</b>  | <u>19 -20=</u>                                     | 0                                       | X \$ 50.00          |
| <b>INDEPENDENT</b>  | <u>1 - 3=</u>                                      | 0                                       | X \$ 200.00         |
| Multiple dependent claim(s) (if applicable)   |  | + \$360.00                              | \$ 0.00             |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |  | \$                                      | <b>1,000.00</b>     |
| Reduction by 2 for asserting small entity, if applicable.<br>(Note 37 CFR 1.9, 1.27, 1.28).   |  | \$                                      | 0.00                |
| <b>SUBTOTAL =</b>   |  | \$                                      | <b>1,000.00</b>     |
| Processing fee of \$130.00 for furnishing the English translation later than <u>20</u><br><u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f)). +               |  | \$                                      | 0.00                |
| <b>TOTAL NATIONAL FEE =</b>   |  | \$                                      | <b>1,000.00</b>     |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be<br>accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).<br><b>\$40.00 per property +</b> |  | \$                                      | .00                 |
| <b>TOTAL FEES ENCLOSED =</b>  |  | \$                                      | <b>1,000.00</b>     |
|   |  | Amount to be:<br>refunded               | \$                  |
|   |  | charged                                 | \$                  |

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| U.S. APPLICATION NO.<br><del>10/531720</del> | INTERNATIONAL APPLICATION NO.<br>PCT/EP2004/050272 | DATE: 18 April 2005 (18.04.2005) |
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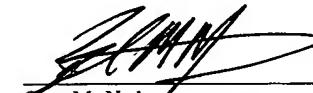
- a.  One check in the amount of \$ 1,000.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.
- d. Fees are to be charged to a credit card  WARNING: Information on this form may become public  Credit Card Information should not be included on this form.  Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KOHL et al.

International Application No. PCT/EP2004/050272

Serial No. NOT YET ASSIGNED

International Filing Date: 8 March 2004 (08.03.2004)

Filed: April 18, 2005

For: NOVEL PROCESS FOR THE PREPARATION OF ROFLUMILAST

10/531720

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

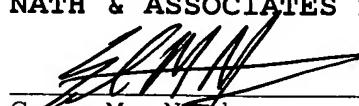
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Application Data Sheet;
- (3) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371
- (4) International Publication No: WO 2004/080967 A1 with International Search Report; International Publication Date: 23 September 2004 (23.09.2004)  
which consists of 14 pages including:  
1 cover sheet containing the Abstract,  
10 pages Textual Specification,  
3 pages of 21 claims,  
0 sheets of Drawings;
- (5) **Preliminary Amendment with Appendices A & B to be examined;**
- (6) **PCT Request with Executed Inventor's signatures;**
- (7) PCT/IPEA/409 International Preliminary Examination Report;
- (8) Check No. 22908 \$1,000.00 for Filing Fee, Search Fee and Examination Fee;
- (9) Postcard for early notification of serial number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

  
\_\_\_\_\_  
Gary M. Nach  
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Sheldon M. McGee  
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Date: April 18, 2005  
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